

REMARKS/ARGUMENTS

The Examiner is thanked for the consideration of applicant's arguments. Claims 1, 29, 34, 37, 38, and 39 have been amended. No claims have been added. Claims 15 and 18-20 remain canceled. Therefore, Claims 1-14, 16, 17, and 21-39 remain pending in the application. Each issue raised in the Office Action is addressed hereinafter.

I. ISSUES NOT RELATED TO THE PRIOR ART

A. CLAIM 38 – OBJECTIONS TO INFORMALITIES

Claim 38 is objected to because of an alleged informality. Applicants respectfully submit that by amending claims as set forth herein, the applicants have overcome the objections to the claims. Removal of the objections is requested.

B. CLAIM 29 – MISSPELLING

Although not objected to in the Office Action, Claim 29 has been amended to correct a spelling error.

C. CLAIMS 1, 29, 34, and 37 – 35 U.S.C. § 112, SECOND PARAGRAPH – “LIMITED INSTANT MESSAGE FUNCTIONALITY”

Independent Claims 1, 29, 34, and 37 stand rejected under 35 U.S.C. § 112, second paragraph, as allegedly indefinite for failing to particularly point out and distinctly claim the subject matter applicant regards as the invention. The rejection is respectfully traversed.

The Office Action states:

The term “limited instant messaging functionality” in independent claims 1, 29, 34 and 37 is a relative term which renders the claim indefinite. The term “limited instant messaging functionality” is not defined by the claim, the specification does not provide a standard for ascertaining the requisite degree, and one of ordinary skill in the art would not be reasonably apprised of the scope of the invention. The recitation of “limited” does not distinctly defined this aspect of the invention to allow one of ordinary skill in the art to readily distinguish those characteristics of a prior art instant messaging system apart from a non-limited instant messaging functionality.

Claim 1 has been amended to further clarify the term “limited instant message functionality” by expressly reciting “wherein providing at least limited instant messaging functionality to the guest user includes displaying to the guest user an interface that includes controls for sending instant messages to the selected registered user, but does not include controls for one or more features provided by the client side instant messaging application software”. Claims 29, 34 and 37 have been amended with similar language.

This clarifying amendment is fully supported, for example, by Fig. 10 and the accompanying description. Applicant respectfully submits that present Claims 1, 29, 34, and 37, and all claims dependent thereon, comply with 35 U.S.C. § 112, second paragraph. Reconsideration and withdrawal of the rejection is respectfully requested.

D. CLAIMS 2-14, 16, 17, 21-28, 30-33, 35-36, 39 – 35 U.S.C. § 112, SECOND PARAGRAPH – “LIMITED INSTANT MESSAGING FUNCTIONALITY”

Claims 2-14, 16, 17, 21-28, 30-33, 35-36, and 39 stand rejected under 35 U.S.C. § 112, second paragraph, as allegedly indefinite for failing to particularly point out and distinctly claim the subject matter applicant regards as the invention. The rejection is respectfully traversed.

Claims 2-14, 16, 17, 21-28, 30-33, 35-36 and 39 each depend from one of independent Claims 1, 29, 34, and 37 discussed above. Therefore, Claims 2-14, 16, 17, 21-28, 30-33, 35-36 and 39 are allowable for the same reasons that independent Claims 1, 29, 34, and 37 are allowable. Reconsideration and withdrawal of the rejection is respectfully requested.

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E. CLAIM 39 – 35 U.S.C. § 112, SECOND PARAGRAPH – “DISABLE
FEATURE”

Claim 39 stands rejected under 35 U.S.C. § 112, second paragraph as allegedly indefinite for failing to particularly point out and distinctly claim the subject matter applicant regards as the invention. The rejection is respectfully traversed.

The Office Action states that “[t]here is insufficient antecedent basis” for the limitation “disable feature” recited by Claim 39. Claim 39 has been amended to replace “disable feature” with “disabled feature”. (Emphasis added.) Applicant submits that by this amendment Claim 39 complies with 35 U.S.C. § 112, second paragraph. Reconsideration and withdrawal of the rejection is respectfully requested.

II. CONCLUSION

For the reasons set forth above, it is respectfully submitted that all of the pending claims are now in condition for allowance. Therefore, the issuance of a formal Notice of Allowance is believed next in order, and that action is most earnestly solicited.

The Examiner is respectfully requested to contact the undersigned by telephone if it is believed that such contact would further the examination of the present application.

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Please charge any shortages or credit any overages to Deposit Account No. 50-1302.

Respectfully submitted,

Hickman Palermo Truong & Becker LLP

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